

## Probate Status Hearing Re: Filing Second Account

1

**Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution**

<b>DOD: 05/01/05</b>	<p><b>KIMIKO SMALL</b>, daughter, was appointed Executor with full IAEA and without bond on 08/08/05. Letters Testamentary were issued on 08/02/05.</p> <p><b>Inventory &amp; Appraisal, final</b> filed 06/04/13 - \$240,500.00</p> <p><b>Notice of Status Hearing</b> filed 11/22/13 set this matter for status regarding failure to file a First Account or Petition for Final Distribution.</p> <p><b>Clerk's Certificate of Mailing</b> indicates that the Notice of Status Hearing was mailed to attorney Linda Durost and Kimiko Small on 11/22/13.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>CONTINUED FROM 02/21/14</b> <b>As of 03/19/14, nothing further has been filed in this matter.</b></p> <p>1. Need First Account or Petition for Final Distribution.</p>	
<b>Cont. from 022114</b>			
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 03/19/14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 2 – Myers</b></p>			

**3A In the Matter of the Verni Family Trust**

Case No. 10CEPR00639

**Atty** Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)

**Atty** Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick Barstow (for Co-Trustees Antonietta "Rosa" Verni, daughter, and Nicola "Nick" Verni, son)

**Atty** Phillips, John, of Wild, Carter & Tipton (for Leonard "Dino" Verni, son)

**Atty** Childs, Jerry; Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)

**Status Hearing**

Leonarda DOD: 7/31/2000		<b>CARMELA DeSANTIS</b> , daughter and Trust Beneficiary, filed the following pleadings in this matter: <ul style="list-style-type: none"> <li>Petition to Remove Trustees; Appoint Receiver; Surcharge Trustees; Deny Trustees Compensation; Impose Constructive Trust on Assets; and Cause Proceedings to Trace and Recover Assets on 7/26/2012.</li> <li>Amended Objections to First Account Current of Trustee, and Objections to Second Account Current of Trustee on 7/26/2012.</li> <li>Petition to Construe Trust Provision on 7/26/2012.</li> <li>Petition to Establish Claim of Ownership, in Favor of Trust, to Property and for Order Directing its Transfer to the Trustees to Hold in Trust on 8/14/2012.</li> </ul>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Page 3B</u> is the Petition to Remove Trustees, etc.  <u>Page 3C</u> is the Petition to Construe Trust Provision.  <u>Page 3D</u> is the Petition to Establish Claim of Ownership in Favor of Trust to Property, etc.  <u>Page 3E</u> is the Petition for Review of Accounts and Acts of Trustees.
Saverio DOD: 5/25/2009			
Cont. from		<b>NICOLA "NICK" VERNI</b> , son and Successor Trustee of the <b>SURVIVOR'S TRUST</b> , and <b>ANTONIETTA "ROSA" VERNI</b> , daughter and Trustee of the <b>MERGED FAMILY SUB-TRUST</b> , filed the following pleadings in this matter: <ul style="list-style-type: none"> <li>Response to Petition to Remove Trustees, etc. on 9/27/2012.</li> <li>Response to Petition to Construe Trust Provision on 9/27/2012.</li> <li>Response to Petition to Establish Claim of Ownership on 9/27/2012.</li> </ul>	
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Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

3A

**3B In the Matter of the Verni Family Trust (Trust)**

Case No. 10CEPR00639

**Atty** Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)

**Atty** Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick Barstow (for Co-Trustees Antonietta "Rosa" Verni, daughter, and Nicola "Nick" Verni, son)

**Atty** Armo, Lance, sole practitioner (for Leonard "Dino" Verni, son)

**Atty** Childs, Jerry; Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)

**Petition to: (1) Remove Trustees; (2) Appoint Receiver; (3) Surcharge Trustees; (4) Deny Trustees Compensation; (5) Impose Constructive Trust on Assets; and (6) Cause Proceedings to Trace and Recover Assets [Prob. C. 15642, 16420 & 17200]**

Leonarda DOD: 7/31/2000	<p><b>CARMELA DeSANTIS</b>, daughter and Trust Beneficiary, is Petitioner.</p> <p><b>Petitioner states:</b></p> <ul style="list-style-type: none"> <li>The <b>VERNI FAMILY TRUST of 1999</b> was created by <b>SAVERIO VERNI</b> and <b>LEONARDA VERNI</b> on 6/10/1999, and was amended once by Settlor on the following day, 6/11/1999; Leonarda died on 7/31/2000, thereby causing the Trust to be divided into three sub-trusts: the <b>VERNI MARITAL TRUST</b>, the <b>VERNI FAMILY TRUST</b>, (which was amended once during both Trustors' lifetimes), and the <b>VERNI SURVIVOR'S TRUST</b> (copies of Trusts attached as Exhibit A); following Leonarda's death, Saverio amended the <b>SURVIVOR'S TRUST</b> seven times, with the <i>Eighth Amendment</i> (the final) amending the <b>SURVIVOR'S TRUST</b> in its entirety;</li> <li>Saverio served as sole trustee of the three sub-trusts until his death on 5/25/2009, and upon his death the Marital Sub-Trust terminated and its principal was added to the Family sub-trust, which became the <b>MERGED FAMILY SUB-TRUST</b>;</li> <li>Pursuant to the Trust terms, <b>ANTONIETTA ROSA VERNI</b>, daughter, is first appointed and currently serves as Successor Trustee of the Merged Family Sub-Trust; pursuant to the <i>Eighth Amendment</i> to Trust, <b>NICOLA VERNI</b>, son, is first appointed and currently serves as Successor Trustee of the <b>SURVIVOR'S TRUST</b>;</li> <li>The beneficiaries of each of the Sub-Trusts are the Settlor's five children: <b>ANTONIETTA ROSA VERNI (Rosa)</b>, <b>NICOLA VERNI (Nick)</b>, <b>LEONARD VERNI (Dino)</b>, <b>MARIA STANZIALE</b>, and <b>CARMELA DeSANTIS</b> (Petitioner); and specific distributions from the Survivor's Sub-Trust are to <b>ERLINDA MARCIANO VERNI (\$200,000.00)</b> and <b>ST. ANTHONY OF PADUA CATHOLIC CHURCH (\$200,000.00)</b>;</li> <li>Following the death of Saverio and Leonarda, the Merged Family Sub-Trust names Rosa as First Successor Appointee, and Maria as Second Successor Appointee; Eighth Amendment provides that upon Saverio's ceasing to act as trustee, Nick will serve as trustee of the Survivor's Sub-Trust;</li> <li><b>Petitioner seeks a Court order pursuant to Probate Code § 15642 removing Rosa as trustee of the Merged Family Sub-Trust, and removing Nick as trustee of the Survivor's Sub-Trust; Petitioner also seeks a determination by the Court that <u>Dino is not qualified</u> to serve as next successor trustee of the Survivor's Sub-Trust.</b></li> </ul>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 1/27/2014.</b> Minute Order states Order Appointing Court Approved Reporter as Official Reporter Pro Tempore is signed by the Court.</p> <p><b>Note:</b> Additional notes pages originally prepared with respect to this petition have been omitted.</p>	
Saverio DOD: 5/25/2009			
Cont. from 091112, 100212, 120512, 010313, 022113, 032213, 052413, 062113, 062813, 083013, 092713, 103013, 120613, 012714			
Aff.Sub.W			
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Letters			
Duties/S			
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Video Receipt			
CI Report			
9202			
✓ Order			
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Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 3/18/14</p> <p><b>Updates:</b></p> <p><b>Recommendation</b></p> <p><b>File 3B - Verni</b></p>	

Atty Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)

Atty Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick Barstow (for Co-Trustees Antonietta "Rosa" Verni, daughter, and Nicola "Nick" Verni, son)

Atty Phillips, John, of Wild, Carter & Tipton (for Leonard "Dino" Verni, son)

Atty Childs, Jerry; Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)

## Petition to Construe Trust Provision [Prob. C. 17200]

Leonarda DOD: 7/31/2000	<p><b>CARMELA DeSANTIS</b>, daughter and Trust Beneficiary, is Petitioner.</p> <p><b>Petitioner states:</b></p> <ul style="list-style-type: none"> <li>The <b>VERNI FAMILY TRUST of 1999</b> was created by <b>SAVERIO VERNI</b> and <b>LEONARDA VERNI</b> on 6/10/1999, and was amended once by Settlers on the following day, 6/11/1999; Leonarda died on 7/31/2000, thereby causing the Trust to be divided into three sub-trusts: the <b>VERNI MARITAL TRUST</b>, the <b>VERNI FAMILY TRUST</b>, (which was amended once during both Trustors' lifetimes), and the <b>VERNI SURVIVOR'S TRUST</b> (copies of Trusts attached as Exhibit A);</li> <li>The instant petition relates to a provision contained in the <b>SURVIVOR'S SUB-TRUST</b>; over Petitioner's objections, Trustees Nick and Rosa have provided a commingled accounting for the Merged Family and Survivor's Sub-Trusts, which fails to segregate each Sub-Trust's assets, liabilities, receipts and disbursements;</li> <li>The failure to appropriately segregate assets, liabilities, receipts and disbursements among the Sub-Trusts prevents the Court, trustee and beneficiaries from determining the size and holdings of the <b>SURVIVOR'S SUB-TRUST</b>; because the <b>SURVIVOR'S SUB-TRUST</b> will be used to fund the above-referenced equalization provision, any appropriate increase in size to that particular Sub-Trust will allow greater realization of the Trustor's intent and will provide a means for effectuating the equalization of prior distributions; conversely, any inappropriate decrease in the size of the <b>SURVIVOR'S SUB-TRUST</b> will undermine the Trustor's intent and deny the Trustee the ability to effectuate an equalization;</li> <li><b>The Trustee of the SURVIVOR'S SUB-TRUST believes that distributions made during Saverio's lifetime should not be considered for purposes of the equalization process; Petitioner believes this to be contrary to the language of the provision and intent of the Trustor.</b></li> </ul> <p>Petitioner requests a judicial declaration from the Court concerning the proper construction of Subsection 1, of Section B, or Article IV of the <b>SURVIVOR'S SUB-TRUST</b> [refer to copy of Trust or Paragraph 11 of Petition for exact language requiring apportionment of the residue of the trust estate into equal shares for Trustor's living children.]</p>	NEEDS/PROBLEMS/ COMMENTS:
Saverio DOD: 5/25/2009		<p><b>Continued from 1/27/2014.</b> Minute Order states Order Appointing Court Approved Reporter as Official Reporter Pro Tempore is signed by the Court.</p> <p><b>Note:</b> Additional notes pages originally prepared with respect to this petition have been omitted.</p>
Cont. from 100212, 120512, 010313, 022113, 032213, 052413, 062113, 062813, 083013, 092713, 103013, 120613, 012714		
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9202		
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Citation		
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Reviewed by: LEG		
Reviewed on: 3/18/14		
Updates:		
Recommendation:		
File 3C – Verni		

**3D In the Matter of the Verni Family Trust (Trust) Case No. 10CEPR00639**

**Atty Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)**

**Atty Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick Barstow (for Co-Trustees Antonietta "Rosa" Verni, daughter, and Nicola "Nick" Verni, son)**

**Atty Phillips, John, of Wild, Carter & Tipton (for Leonard "Dino" Verni, son)**

**Atty Childs, Jerry; Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)**

**Petition to Establish Claim of Ownership, in Favor of Trust, to Property and for Order Directing its Transfer to the Trustees to Hold in Trust (Prob. C. 850, 17200.1)**

Leonarda DOD: 7/31/2000	<b>CARMELA DeSANTIS</b> , daughter and Trust Beneficiary, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Saverio DOD: 5/25/2009		
Cont. from 100212, 120512, 010313, 022113, 032213, 062113, 062813, 083013, 092713, 103013, 120613, 012714	<b>Summary of Petitioner's requests for specific relief:</b>	<b>Continued from 1/27/2014.</b> Minute Order states Order Appointing Court Approved Reporter as Official Reporter Pro Tempore is signed by the Court.  <b>Note:</b> Additional notes pages originally prepared with respect to this petition have been omitted.
<input type="checkbox"/> Aff.Sub.W <input checked="" type="checkbox"/> Verified <input type="checkbox"/> Inventory <input type="checkbox"/> PTC <input type="checkbox"/> Not.Cred. <input type="checkbox"/> Notice of Hrg <input type="checkbox"/> Aff.Mail <input type="checkbox"/> Aff.Pub. <input type="checkbox"/> Sp.Ntc. <input checked="" type="checkbox"/> Pers.Serv. <input type="checkbox"/> Conf. Screen <input type="checkbox"/> Letters <input type="checkbox"/> Duties/S <input type="checkbox"/> Objection <input type="checkbox"/> Video Receipt <input type="checkbox"/> CI Report <input type="checkbox"/> 9202 <input checked="" type="checkbox"/> Order <input type="checkbox"/> Aff. Post <input type="checkbox"/> Status Rpt <input type="checkbox"/> UCCJEA <input type="checkbox"/> Citation <input type="checkbox"/> FTB Notice	1. Determining that the following is property of the Trust estate: (a) <b>Almond crops:</b> (i) The almond meat inventory on hand at the date of Saverio's death; (ii) all almond crops grown on Trust land since Saverio's death; and (iii) proceeds from the sale of the almond inventory and crops; (b) <b>Olive crops:</b> (i) The olive oil, olive crop and olive inventory on hand at the date of Saverio's death; (ii) all olive crops grown on Trust land since Saverio's death; and (iii) proceeds from the sale of the olive oil, inventory and crops; (c) <b>Other crops (Stone Fruit, Grapes, Etc.):</b> (i) The inventory of other crop grown on Trust land, on hand at the time of Saverio's death but not reported in the Trustee's First Account; (ii) all such crops grown on Trust land since Saverio's death and during 2009; and (iii) proceeds from the sale of the inventory and crops; (d) <b>Other Inventory on Hand:</b> (i) The inventory of firewood and olive oil on hand at the time of Saverio's death but not reported in the Trustee's First Account; (ii) all such items produced from products grown on Trust land since Saverio's death and during 2009; [and (iii) proceeds from the sale of the other inventory;] (e) <b>Proceeds from Sale of Trust Real Property:</b> The money received by Nick and Dino from DeYoung Properties in connection with the option to purchase land and used by DeYoung Properties to actually purchase Trust land which sum is believed to be not less than <b>\$1,000,000.00</b> ; 2. Directing each of the beneficiaries in possession or holding the property to transfer such property to the Trustees to hold for the benefit of the Trust and the appropriate Sub-Trust(s); 3. Directing each of the beneficiaries in possession or holding any proceeds from the sale or exchange of any of the property to transfer such proceeds to the Trustees to hold for the benefit of the Trust and the appropriate Sub-Trust(s); 4. For judgment in favor of the Trustees of the Trust against any beneficiary who received the Trust property and proceeds, in an amount to be determined and as required to compensate for all of the detriment and damages cause to the Trust; and 5. For treble damages pursuant to Probate Code § 859.	
		<b>Reviewed by:</b> LEG <b>Reviewed on:</b> 3/18/14 <b>Updates:</b> <b>Recommendation:</b> <b>File 3D - Verni</b>

**3E In the Matter of the Verni Family Trust (Trust)**

Case No. 10CEPR00639

**Atty** Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)

**Atty** Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick Barstow (for Co-Trustees Antonietta "Rosa" Verni, daughter, and Nicola "Nick" Verni, son)

**Atty** Phillips, John, of Wild, Carter & Tipton (for Leonard "Dino" Verni, son)

**Atty** Childs, Jerry; Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)

**Petition for Review of Accounts and Acts of Trustees [Prob. C. 16063(a)(5); 17200(b)(5)]**

Leonarda DOD: 7/31/2000		<b>CARMELA DeSANTIS</b> , daughter and Trust Beneficiary, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Continued from 1/27/2014.</u> Minute Order states Order Appointing Court Approved Reporter as Official Reporter Pro Tempore is signed by the Court.  <b>Note:</b> Petitioner's prayer requests the Court <b>disallow</b> the accounts. Petitioner requests in the body of the <i>Petition</i> that the Court <b>review</b> the Second, Third and Fourth Accounts, but because the subject accounts have not been filed with the Court by the Co-Trustees as the fiduciaries, the accounts have not been reviewed by the Court.	
Saverio DOD: 5/25/2009				
Cont. from 120613, 012714		<b>Summary of Petitioner's requests in the Prayer for Relief:</b>		
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified	<ul style="list-style-type: none"> <li>That each of the Second, Third, and Fourth Accounts Current submitted to Petitioner by the Co-Trustees be disallowed;</li> <li>That the Co-Trustees, and each of them, be ordered to compensate the estate for any loss caused by their acts and omissions;</li> <li>That the Trustees be directed to prepare and file a true and full account of their acts and proceedings within such time as may be allowed by this Court; and</li> <li>That Petitioner be reimbursed attorney's fees and costs.</li> </ul>		
<input type="checkbox"/>	Inventory			
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<input type="checkbox"/>	Notice of Hrg			X
<input type="checkbox"/>	Aff.Mail			X
<input type="checkbox"/>	Aff.Pub.			
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<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters	<b>Petitioner states the following in support of the requests for relief:</b>  <b>Accounts Provided by the Trustees</b> <ul style="list-style-type: none"> <li>On or about 8/26/2010, the Co-Trustees, Rosa and Nick Verni, filed a <i>First Account Current and Report of Trustees and Petition for its Settlement</i>;</li> <li>On 10/5/2010, Petitioner filed written objections to the <i>First Account Current</i> based on, among other things, the limited scope of the Account, the Trustees' failure to render separate accountings for each Sub-Trust, the failure to provide information pertaining to transactions involving the Trustees, as well as with respect to various farming operations being managed by the Trustees on behalf of the Trust;</li> <li>At Petitioner's request, the Trustees provided Petitioner with a <i>Second Account Current</i>, covering the period of 1/1/2010 through 12/31/2010;</li> </ul> <p align="center">~Please see additional page~</p>		
<input type="checkbox"/>	Duties/Supp			
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		<b>Reviewed by:</b> LEG		
		<b>Reviewed on:</b> 3/18/14		
		<b>Updates:</b>		
		<b>Recommendation:</b>		
		<b>File</b> 3E – Verni		

**Petitioner states, continued:**

- On 7/26/2012, Petitioner filed written *Objections to Second Account Current*, and attached a copy of the *Second Account Current (copy of the Objections to Second Account Current filed by Petitioner on 7/26/2012 attached as Exhibit B)*;
- The *Second Account Current* continued to be deficient in the same respects as noted with respect to the *First Account Current*, among others;
- In spite of Petitioner's repeated objections, the Trustees continue to fail to properly account to Petitioner and other beneficiaries, as required by the terms of the Trust and Probate Code § 16062 et seq., in the *Third Account Current*, covering the period of 1/1/2011 through 12/31/2011, mailed to Petitioner at her request on or about 11/19/2012, and the *Fourth Account Current* covering the period of 1/1/2012 through 12/31/2012, mailed to Petitioner at her request on or about 4/19/2013;
- The manner in which such Accounts are deficient is further described in Petitioner's *Objections to Third Account Current*, attached as *Exhibit C*, and Petitioner's *Objections to Fourth Account Current* attached as *Exhibit D*;
- Article 11, Section 4 of the Trust requires the Trustees to render an accounting upon written request of any beneficiary;
- To date, the Trustees have failed to provide adequate accounts in response to Petitioner's requests pursuant to this provision, thereby necessitating this request that the Court review the Second, Third and Fourth Accounts Current and the acts of the Trustees.

**Response to Petition for Review of Accounts and Acts of Trustees filed on 12/5/2013 by Trustees Nick Verni and Rosa Verni states:**

- Trustees admit that they filed the *First Account Current* and *Report of Trustees and Petition for Settlement* on 8/26/2010; Trustees further admit that Petitioner filed written objections to the *First Account Current* on 10/5/2010; however, Trustees deny that any deficiencies exist, legal or otherwise, in the *First Account Current*;
- Trustees admit that they submitted the *Second Account Current* to Petitioner; Trustees further admit that Petitioner filed written objections to the *Second account current* on 7/26/2012; however, Trustees deny that any deficiencies exist, legal or otherwise, in the *Second Account Current*;
- Trustees admit that they submitted the *Third Account Current* to Petitioner on or about 11/19/2012; Trustees further admit that they submitted the *Fourth Account Current* to Petitioner on or about 4/19/2013; however, Trustees deny that any deficiencies exist, legal or otherwise, in the *Third Account Current* and *Fourth Account Current*;
- The Trustees have filed a full account of their acts and proceedings during the period embraced thereby, and their *Report and Account* should be allowed and approved;
- Trustees expressly deny that any of the *Second, Third and Fourth Accounts Current* are deficient or otherwise fail to comply with the Trust or the requirements set forth in the Probate Code;

**Trustees pray for an Order of this Court finding that:**

1. The objections of Petitioner be dismissed;
2. All acts and transactions of the Trustees as reflected in the *Account and Report* be ratified and confirmed;
3. The Trustees be authorized and directed to continue the administration of the Sub-Trusts until such time as the remaining tasks discussed herein are accomplished, the remaining legal actions discussed herein are resolved, and a plan of final distribution can be presented to the beneficiaries of the trust for their consent;
4. Petitioner take nothing by way of her Petition; and
5. Attorney's fees and costs of suit are awarded to Respondents.



Status Hearing Re: Filing of First Account

Age: 74		TEMP (ESTATE ONLY) EXPIRES 5-12-14	NEEDS/PROBLEMS/COMMENTS:
DOB: 2-15-39			
		<b>VANCE SEVERIN and TERRI SEVERIN</b> , Brother and Sister of Mr. Salzman's wife, Stacy Salzman, were appointed as Temporary Co-Conservators of the Person and Estate without bond (bond upon permanent appointment) on 9-25-12.	<b>Note:</b> The last status report of the temp conservators was filed 10-2-13. That report indicated that an offer was pending at a price far below the anticipated price, and also indicated that a mechanic's lien had been filed; however, the contractor was "a complete and total fraud" (no license). Thereafter, the temp conservators had filed a complaint with the Fresno County District Attorney and requested an additional 90 days to sell the house. <i>However, an accounting is due regardless of the status of the sale. Probate Code §§ 2255, 2256, 2257, 2620.</i>
Cont. from 032913, 042613, 061413, 100413			
Aff.Sub.Wit.		<b>At a hearing on 11-5-12, the Court set this status hearing for the filing of the first account.</b>	<b>1. Need account or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</b>
Verified			
Inventory		On 12-10-12, The Temporary Co-Conservators were authorized to sell the Conservatee's real property, with proceeds to be deposited into a blocked account.	
PTC			
Not.Cred.		At hearing on 1-7-13, the petition for conservatorship of the <u>person</u> was withdrawn, and the conservatorship of the <u>estate</u> was extended to 3-29-13, but limited to the sale of the property and negotiate and settle with the Conservatee's creditors, including California Franchise Tax Board and IRS.	
Notice of Hrg			
Aff.Mail		<b>At various hearings, the temporary conservatorship of the estate was extended. At a status hearing on 1-10-14, the temporary was extended to 5-12-14.</b>	
Aff.Pub.			
Sp.Ntc.		<b>Minute Order 1-10-14:</b> The Court is advised that there is a mechanic's lien and things are not going well. Matter is continued to 5-12-14. The temporary is extended to 5-12-14.	
Pers.Serv.			
Conf. Screen		<b>Note:</b> The Public Guardian's First and Final Account was settled on 1-29-14.	
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

**Probate Status Hearing Re: Failure to File a Final Account or Petition for Final Distribution**

<b>DOD: 04/05/03</b>	<b>EDWARD L. MYERS, JR. and MONIQUE M. HUTCHINGS,</b> were appointed as Co-Administrator's with Will Annexed on 08/19/03.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b><u>CONTINUED FROM 09/20/13</u></b>  1. Need <b>Final Accounting and/or Petition for Final Distribution.</b>
<b>Cont. from 071913, 092013</b>	<b>Letters of Administration with Will Annexed</b> were issued on 08/19/13.	
<b>Aff.Sub.Wit.</b>	<b>Inventory &amp; Appraisal</b> , partial No. 1 filed 04/08/04 - \$707,312.97	
<b>Verified</b>		
<b>Inventory</b>	<b>Inventory &amp; Appraisal</b> , final filed 04/21/04 - \$16,968.64	
<b>PTC</b>		
<b>Not.Cred.</b>	<b>Inventory &amp; Appraisal</b> , partial No. 1 corrected filed 11/10/04 - \$877,312.97	
<b>Notice of Hrg</b>	<b>Petition for Preliminary Distribution and Statutory Fees</b> filed 03/16/05 was granted on 06/02/05.	
<b>Aff.Mail</b>	<b>Ex Parte Petition for Amended Letters</b> granted 05/30/13 ordered that Monique M. Hutchings is the sole Administrator following the death of Edward L. Myers, Jr. <b>and set this matter for status.</b>	
<b>Aff.Pub.</b>	<b>Amended Letters of Administration with Will Annexed</b> were issued on 06/05/13.	
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>	<b>Status Report</b> filed 03/14/14 states: most of the property was distributed to the beneficiaries in a preliminary distribution by order of this Court on 06/02/05. The estate contains a bank account with a balance of \$152,980.00 at this time. The Court also allowed the Co-Administrators to form an LLC to hold the remaining assets of the estate, namely, four parcels of environmentally contaminated real property. Pursuant to the Court's order, the Elm & Church, LLC was formed and currently holds a bank account with a balance of \$50,000.00 as well as the four parcels of real property. At the time of decedent's death, an environmental contamination problem related to previously installed underground fuel storage tanks had been discovered and was in the process of being analyzed and remediated by the Decedent utilizing Krazan & Associates ("Krazan"). Krazan determined the existence of contamination from the underground fuel storage tanks and enrolled the property in the State of California Environmental Cleanup Fund, which reimburses property owners for expenses incurred in the identification, analysis and remediation or underground storage tank contamination. Remediation efforts on the property has been ongoing.	
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		<b>Reviewed by:</b> JF
<b>Order</b>		<b>Reviewed on:</b> 03/19/14
<b>Aff. Posting</b>		<b>Updates:</b>
<b>Status Rpt</b>		<b>Recommendation:</b>
<b>UCCJEA</b>		<b>File 5 – Myers</b>
<b>Citation</b>		
<b>FTB Notice</b>		

Continued on Page 2

**Status Report filed 03/14/14 (con't):** During the administration of the estate, Krazan determined the nature and extent of the environmental contamination and commenced procedures for the remediation of the contamination discovered. All expenses incurred by the estate in connection with the valuation and remediation of the contamination have been reimbursed by the State of California.

As reported in the Petition for Preliminary Distribution filed 03/16/05, the estate's membership interest in the LLC would continue to be held in the estate pending final resolution of the environmental concerns, since distribution of the LLC membership interest to the beneficiaries could expose the beneficiaries to the potential for individual liability, or actual individual liability. In her last status report, the Administrator reported that she thought the remediation could be completed within 3 to 4 months. However, the California Regional Water Quality Control Board – Central Valley Region ("RWQCB"), after inspection of the Property, refused to qualify the case for closure and did not provide a closing letter. The RWQCB instead requested further remediation as well as a study to determine whether current concentrations of petroleum hydrocarbon constituents ("PHCs") on the property pose a threat to human health. The Administrator asked Krazan to provide remediation proposal to the RWQCB, which it did on 02/28/14. The RWQCB reviewed Krazan's proposal, and issued a letter dated 03/11/14, approving the proposal and requiring that a final report issue from Krazan to the RWQCB by 04/07/14. Therefore, the Administrator requests that a status hearing be set at least 3 months from this date in order to provide Krazan with adequate time to complete the remediation of the property and receive a closing letter from the RWQCB.

<b>DOD: 01/17/11</b>		<p><b>DEBORAH KAMINE</b>, daughter, was appointed Executor with full IAEA authority and without bond on 05/12/11. Letter Testamentary were issued on 05/12/11.</p> <p>Inventory &amp; Appraisal, final, filed 10/11/13 - \$198,712.13</p> <p><b>Minute Order</b> from status hearing on 10/25/13 set this matter for status regarding filing the Account/Report of Executor on Waiver of Account and Petition for Distribution.</p> <p><b>Clerk's Certificate of Mailing</b> filed 01/30/14 states that a copy of the minute order from 01/24/14 was mailed to Paul Franco on 01/30/14.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b><u>CONTINUED FROM 01/24/14</u></b>  <b>Minute Order from 01/24/14 states: No appearances. Matter continued to 03/21/14. The Court orders Paul Franco to be personally present on 03/21/14.</b></p> <p>1. Need Account/Report of Executor on Waiver of Account and Petition for Distribution <u>or</u> verified status report.</p>
<b>Cont. from 012414</b>			
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
		<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 01/21/14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 6 – Blankenship</b></p>	

## Probate Status Hearing

<b>DOD: 5-9-11</b>		<p><b>MAGDALENA MANCILLA</b> was appointed Administrator with Full IAEA without bond on 11-29-11.</p> <p>The Administrator failed to appear for two status hearings on 1-24-13 and 2-22-13, and on 2-22-13, Ms. Mancilla was removed and the <b>FRESNO COUNTY PUBLIC ADMINISTRATOR</b> was appointed as Successor Administrator with full IAEA. Letters issued on 3-6-13.</p> <p>At hearing on 2-22-13, the Court set this hearing for status.</p> <p><b>Status Report filed 4-9-13 states</b> the real property in Sanger is in foreclosure because there were no estate assets to pay the mortgage. There is the possibility of money coming into the estate from a civil lawsuit, <i>Analilia Anguiano v. Suzette Ihara</i> (Fresno Superior Court Case Number 11CECG01428). It is a physical injury/property damage lawsuit. On 3-19-13, a stipulation and order was filed in the civil matter to continue the trial to 4-21-2014, with mandatory settlement conference set for 3-26-14 and trial readiness hearing on 4-18-14. Therefore, the possibility of any funds coming into the estate soon is improbable.</p> <p>Public Administrator states the estate is not in a position to be settled and requests that further status hearing be set at least nine (9) months from the date of this hearing.</p> <p><b>Status Report filed 1-17-14 states</b> the real property remains in the foreclosure process. As previously reported, there remains the possibility of money coming into the estate from a civil lawsuit. Settlement conference has been set for 3-26-14 and trial readiness for 4-18-14. The possibility of any funds coming into the estate until after the trial on 4-21-14 is improbably Public Administrator requests the next status hearing be set at least nine months from today's hearing date.</p> <p><b>Status Report filed 3-12-14 states</b> the Public Administrator previously requested continuance of seven months due to the pending civil litigation. The Court instead set status for two months later. At this time, the Public Administrator is advised that a settlement has been reached but there cannot be a signed agreement until they have a final Medi-Cal statement. They expect that within 30 days. Public Administrator requests that the next status hearing not be set before June 6, 2014.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li><b>Need amended Inventory and Appraisal pursuant to Probate Code §8900 et seq.</b></li> <li><b>Need petition for final distribution pursuant to Probate Code §12200.</b></li> </ol> <p><b>Note:</b> Inventory and Appraisal filed 11-1-11 by the former Administrator indicated a total estate value of \$140,000.00, which consisted of real property valued at \$65,000.00 and a pending personal injury lawsuit valued at \$75,000.00. <u>However</u>, the value of the pending lawsuit was provided by the Administrator rather than the Probate Referee.</p> <p><b>Note:</b> The decedent left a spouse and five adult children, including the former Administrator, Ms. Mancilla. Ms. Mancilla's original petition listed all relatives at the same address (the decedent's former residence), and all notices were sent to this address.</p>
<b>Cont. from 041213, 011714</b>			
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
✓ <b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
		<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 3-17-14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 7 - Anguiano</b></p>	

**Status Hearing Re: Filing of the Inventory and Appraisal; Filing of First Account  
and/or Petition for Final Distribution**

<b>DOD: 6-9-11</b>	<b>JANETTE COURTNEY</b> , was appointed Executor with Full IAEA without bond and Letters issued on 9-15-11.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Inventory and Appraisal Partial No. 1 filed 2-13-13 included commercial real property valued at \$250,000.00, which was sold pursuant to Order Confirming Sale of Real Property.	<b>Minute Order 4-8-13:</b> Mr. Keeler and Mr. Ivy are appearing via conference call. Mr. Ivy is directed to file a fully executed agreement with the court. Matter is set for Status Hearing on 5/24/13 regarding the settlement agreement and the dismissal. If the agreement and dismissal are filed by 5/24/13, no appearance will be necessary. The status hearing regarding the inventory and appraisal is continued to 6/28/13 for appearance by Mr. Neilson only. Set on 5/24/13 @ 9:00 a.m. Dept. 303 for: Status Hearing Re: Settlement Agreement and Dismissal
<b>Cont. from 040813, 062813, 072613, 100413, 011714</b>	At hearing on 2-25-13, the Court set status hearing for 4-8-13 for the filing of the Final Inventory and Appraisal, filing of the first account, and/or petition for final distribution.	
<b>Aff.Sub.Wit.</b>	The status hearing for filing of the final Inventory and Appraisal has been continued to 6-28-13 and now 7-26-13.	<b>Note:</b> Full and Complete Settlement Agreement and Mutual Release of All Claims filed 4-11-13, and dismissal of petition filed by Dennis L. Thomas on 12-19-11 was entered on 5-1-13.
<b>Verified</b>		
<b>Inventory</b>		<b>As of 3-17-14, nothing further has been filed. The following issues remain:</b>
<b>PTC</b>		
<b>Not.Cred.</b>	<b>Status Report filed 7-19-13 states:</b>	<ol style="list-style-type: none"> <li><b>Need Final I&amp;A.</b></li> <li><b>Need First Account or Petition for Final Distribution pursuant to Probate Code §12200.</b></li> </ol>
<b>Notice of Hrg</b>	<ul style="list-style-type: none"> <li>Petitioner has performed all required duties as personal representative</li> <li>All known debts have been paid except for mortgage on real property which has a market value below the mortgage amount</li> <li>All administration costs to date except for compensation to the personal representative and attorney have been paid</li> <li>The estate is solvent</li> <li>A creditor's claim filed by Steven Drummond has been rejected</li> <li>There is currently no pending litigation involving the estate; however, there is a potential claim against beneficiaries for recovery of a vehicle and reimbursement for sales tax paid</li> <li>The status of a business being operated by a beneficiary, and the estate's current interest therein, has yet to be determined/negotiated.</li> <li>It is estimated that an additional three (3) months will be needed to complete administration of the estate, unless litigation is needed to recover the vehicle.</li> <li><b>Petitioner requests authority to continue administration until 10-1-13.</b></li> </ul>	
<b>Aff.Mail</b>		<b>Reviewed by:</b> skc
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		<b>Reviewed on:</b> 3-17-14
<b>Pers.Serv.</b>		<b>Updates:</b>
<b>Conf. Screen</b>		<b>Recommendation:</b>
<b>Letters</b>		<b>File 8 - Drummond</b>
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
✓ <b>Status Rpt</b>	<b>Status Report filed 10/03/13 states:</b> Since the prior status hearing the executor has been able to locate the Chevrolet Suburban, however it is damaged and towing and storage may be equal or more than the value. A compromise with the storage facility is being negotiated. Additionally, no paperwork has been located regarding the horse that a beneficiary claims belonged to the decedent and for which he is making a claim for care and feeding. The estate has rejected the claim. As to the real property in Mariposa, CA, it was thought that the bank was foreclosing on the property, but they have not. Time is requested to appraise and inventory this property and the Suburban as well as resolve the disposition of the horse.	
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		

Atty Hemb, Richard E., of Hemb Law Office (for Michele R. Curley, Administrator)

**Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution**

<b>DOD: 9/7/2012</b>		<p><b>MICHELE R. CURLEY</b>, Daughter, was appointed Administrator with Full IAEA with bond of <b>\$30,000.00</b> on 11/7/2012.</p> <p><b>Minute Order dated 11/8/2013</b> from the <i>Status Hearing Re: Increase in Bond Based on the Value of the Estate as Shown on the Inventory and Appraisal</i> continued the status hearing to <b>1/17/2014</b> for filing of an ex parte petition to increase the bond.</p> <p><b>Ex Parte Application for Order to Increase Bond</b> was filed 12/5/2013.</p> <p><b>Order to Increase Bond filed 12/5/2013</b> grants the Administrator's ex parte application to increase bond, finding bond be increased to <b>\$44,000.00</b>.</p> <p><b>Proof of Bond filed 1/14/2014</b> shows bond of <b>\$14,000.00</b> was posted. Based on 1/22/2013 bond posted of <b>\$30,000.00</b> total bond is currently <b>\$44,000.00</b>.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 1/17/2014.</b> The following issue from the last hearing remains:</p> <ol style="list-style-type: none"> <li>1. Need first account and/or petition for final distribution, or verified status report and proof of service of notice of the status hearing pursuant to Local Rule 7.5(B).</li> </ol>
<b>Cont. from 011014, 011714</b>			
<input type="checkbox"/> Aff.Sub.Wit.	<input type="checkbox"/>		
<input type="checkbox"/> Verified	<input type="checkbox"/>		
<input type="checkbox"/> Inventory	<input type="checkbox"/>		
<input type="checkbox"/> Bond	<input type="checkbox"/>		
<input type="checkbox"/> Not.Cred.	<input type="checkbox"/>		
<input type="checkbox"/> Notice of Hrg	<input type="checkbox"/>		
<input type="checkbox"/> Aff.Mail	<input type="checkbox"/>		
<input type="checkbox"/> Aff.Pub.	<input type="checkbox"/>		
<input type="checkbox"/> Sp.Ntc.	<input type="checkbox"/>		
<input type="checkbox"/> Pers.Serv.	<input type="checkbox"/>		
<input type="checkbox"/> Conf. Screen	<input type="checkbox"/>		
<input type="checkbox"/> Letters	<input type="checkbox"/>		
<input type="checkbox"/> Duties/Supp	<input type="checkbox"/>		
<input type="checkbox"/> Objections	<input type="checkbox"/>		
<input type="checkbox"/> Video Receipt	<input type="checkbox"/>		
<input type="checkbox"/> CI Report	<input type="checkbox"/>		
<input type="checkbox"/> 9202	<input type="checkbox"/>		
<input type="checkbox"/> Order	<input type="checkbox"/>		
<input type="checkbox"/> Aff. Posting	<input type="checkbox"/>		
<input type="checkbox"/> Status Rpt	<input checked="" type="checkbox"/>		
<input type="checkbox"/> UCCJEA	<input type="checkbox"/>		
<input type="checkbox"/> Citation	<input type="checkbox"/>		
<input type="checkbox"/> FTB Notice	<input type="checkbox"/>		

<b>Reviewed by:</b> LEG
<b>Reviewed on:</b> 3/18/14
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 9 – Martinez</b>

Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

Age:			NEEDS/PROBLEMS/COMMENTS:	
DOD:				
Cont. from				<u>OFF CALENDAR</u> Final Inventory & Appraisal filed 10/31/13
	Aff.Sub.Wit.			
	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting		Reviewed by: JF Reviewed on: 03/19/14 Updates: Recommendation: File 10 – Myers	
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			



<b>DOD: 9-21-12</b>		<p><b>ROSARIO R. FORESTIERE</b>, Spouse, was appointed as Administrator with Limited IAEA without bond on 1-3-13 and Letters issued on 1-7-13.</p> <p>At hearing on 1-3-13, the Court set this status hearing for the filing of the first account or petition for final distribution.</p> <p>Status Report filed 3-11-14 by Attorney Wright states that a will has now been discovered and a Petition for Probate of Will is in process. The assets of the estate include the decedent's home, personal vehicle, and personal effects. On 12-31-13, the Court approved the sale of the residence and it is currently in escrow. The estate is not in a condition to be closed until the will has been admitted and escrow has closed.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li><b>Petitioner states the estate is not in a condition to be closed at this time because a will has been discovered and a Petition for Probate of Will is in process. In addition, escrow on the sale of the residence has not yet closed. The Court may require additional information as to the anticipated time frame for close of escrow, filing the petition for probate of will, and then closing the estate.</b></li> <li><b>The Administrator was previously appointed with Limited IAEA without bond. At this time, since the residence has sold for a purchase price of \$175,000.00, the Court may require bond or blocked account going forward.</b></li> </ol>
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCC/JEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
		<b>Reviewed by:</b> skc	
		<b>Reviewed on:</b> 3-18-14	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 11 – Forestiere</b>	

Atty Wilson, Joshua G., of Darling &amp; Wilson, Bakersfield (for Petitioner David J. Agee, Executor)

Status Hearing Re: Filing of the First Account and/or Petition for  
Final Distribution

DOD: 6/5/2012		<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>OFF CALENDAR</b>  <i>Petition for Settlement of First and Final Account and for Final Distribution, etc., was filed 3/10/2014, and is set for hearing on <b>4/21/2014.</b></i>
Cont. from		
<input type="checkbox"/>	Aff.Sub.Wit.	
<input type="checkbox"/>	Verified	
<input type="checkbox"/>	Inventory	
<input type="checkbox"/>	PTC	
<input type="checkbox"/>	Not.Cred.	
<input type="checkbox"/>	Notice of Hrg	
<input type="checkbox"/>	Aff.Mail	
<input type="checkbox"/>	Aff.Pub.	
<input type="checkbox"/>	Sp.Ntc.	
<input type="checkbox"/>	Pers.Serv.	
<input type="checkbox"/>	Conf. Screen	
<input type="checkbox"/>	Letters	
<input type="checkbox"/>	Duties/Supp	
<input type="checkbox"/>	Objections	
<input type="checkbox"/>	Video Receipt	
<input type="checkbox"/>	CI Report	
<input type="checkbox"/>	9202	
<input type="checkbox"/>	Order	
<input type="checkbox"/>	Aff. Posting	
<input type="checkbox"/>	Status Rpt	
<input type="checkbox"/>	UCCJEA	
<input type="checkbox"/>	Citation	
<input type="checkbox"/>	FTB Notice	
		<b>Reviewed by:</b> LEG <b>Reviewed on:</b> 3/18/14 <b>Updates:</b> <b>Recommendation:</b> <b>File 12 – Agee</b>

Atty Whelan, Brian D., of Whelan Law Group (for Ian Kinsey, as Conservator of the Estate)  
 Atty Flanigan, Philip M., sole practitioner (for Ian Kinsey, as Conservator of the Person)

## Status Hearing Re: Filing of Increased Bond; and Filing of the First Account

Age: 20 years		IAN KINSEY, brother, was appointed Conservator of the <u>Estate</u> on 1/29/2013 with bond set at <u>\$15,000.00</u> .	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Proof of Bond of <u>\$15,000.00</u> filed on 2/6/2013 is <u>insufficient</u> for this Conservatorship Estate, as required under Probate Code § 2320 and CA Rule of Court 7.207. Probate Code § <u>2320.1</u> provides that when the Conservator has knowledge of facts from which the Conservator knows or should know that the bond posted is less than the amount required under section 2320, the Conservator <u>and</u> the Attorney shall make an ex parte application for an order increasing the bond to the amount required under section 2320. Accordingly, Probate Code § 2320 requires that the Conservator file proof of additional bond in the sum of <u>\$260,000.00</u> , in order to bring total bond to <u>\$275,000.00</u> , the bond amount sufficient pursuant to Probate Code § 2320 and CA Rule of Court 7.207. It is noted that the Minute Order dated <u>9/17/2013</u> from the Status Hearing Re: Increase of Bond that Mr. Flanigan informed the Court that Mr. [Ian] Kinsey <b>will not be able to get a bond</b> . However, the duty remains upon Attorney Philip Flanigan and/or Attorney Brian Whelan as well as the Conservator to either comply with Probate Code § 2320.1 for increase in bond, or to request an alternative protection such as placing Conservatee's funds into a blocked account.  <b>~Please see additional page~</b>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.	IAN KINSEY, brother, was appointed Conservator of the <u>Person</u> on 9/17/2013 (Letters of Conservatorship of the Person issued on 9/25/2013.)	
<input type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory	<b>Proof of Bond in the sum of <u>\$15,000.00</u> was filed 2/6/2013, and Letters of Conservatorship of the Estate issued on 2/28/2013.</b>	
<input type="checkbox"/>	Increased Bond		
<input type="checkbox"/>	Accounting	<b>Final Inventory and Appraisal filed 5/2/2013</b> shows an estate consisting of all cash in the sum of <u>\$250,000.00</u> .	
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail	<b>Pursuant to Probate Code § 2620(a), first account was due on 2/28/2014.</b>	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	<b>Minute Order dated 1/29/2013</b> from the hearing on the petition for appointment of Conservator of the Estate set the matter for Status Hearing on 3/21/2014 for filing of the first account of the conservatorship.	
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA	<b>Reviewed by:</b> LEG	
<input type="checkbox"/>	Citation		<b>Reviewed on:</b> 3/19/14
<input type="checkbox"/>	FTB Notice		<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 13 – Kinsey</b>



NEEDS/PROBLEMS/COMMENTS, continued:

2. Pursuant to Probate Code § 2328, Conservator should be required to deposit the entirety of Conservatorship estate funds, or a portion of the funds taking into account the **\$15,000.00** posted bond, into a blocked account for the Conservatorship Estate, with no withdrawals except upon Court order. Probate Code § 2328 provides, in pertinent part, that if the Conservatorship Estate has property which has been deposited with a financial institution, the Court may order that the property shall not be withdrawn except on authorization of the Court, and may either (1) exclude the property deposited in determining the amount of required bond or reduce the amount of the bond to be required with respect to the property deposited to such an amount as the Court determines is reasonable; or (2) If a bond has already been furnished or fixed, reduce the amount of bond to such an amount as the Court determines is reasonable.
3. Attorney **PAUL PIMENTEL** formerly represented the Conservator Ian Kinsey for the petition for appointment of Conservator of the Estate. Mr. Pimentel no longer represents Ian Kinsey, per *Substitution of Attorney* filed 5/24/2013 by Attorney **BRIAN WHELAN**, showing that Mr. Whelan represents Ian Kinsey as Conservator of the Estate as of 5/22/2013. Attorney **PHILIP FLANIGAN** represented Ian Kinsey for the petition for appointment of Conservator of the Person, and appears to remain as attorney for Ian Kinsey as Conservator of the Person. Need clarification of the current attorney representation of the Conservator as to the Person and the Estate, based upon the statement of Attorney Flanigan at the hearing on 9/17/2013 regarding Conservator's inability to obtain bond, which appears to show Attorney Flanigan as the attorney responsible for the Conservator of the Estate obtaining bond.
4. Need first account of the conservatorship estate, or a verified Status Report and proof of service of notice of this Status Hearing with a copy of the Status Report to all interested parties pursuant to Local Rule 7.5(B).
5. Need proof of service of notice of the Status Hearing with a copy of the verified Status Report to Attorney Paul Pimentel, pursuant to the *Request for Special Notice* filed 1/27/2014.

Status Hearing Re: Filing of the Inventory and Appraisal

<b>DOD: 11/02/2009</b>		<b>PAIGE MCKERRAL-BURNETT</b> , step-granddaughter, was appointed Administrator with Will Annexed with Limited IAEA authority without bond.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
			<b><u>OFF CALENDAR INVENTORY AND APPRAISAL FILED ON 03/11/2014</u></b>
<b>Cont. from 011714</b>		Letters issued 08/26/2013	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input type="checkbox"/>	<b>Verified</b>	Inventory and Appraisal Partial No. 1 filed 01/15/2014 - <b>\$208,171.00</b>	
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>	Minute Order of 08/19/2013 set this status hearing.	
<input type="checkbox"/>	<b>Notice of Hrg</b>		
<input type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		<b>Reviewed by:</b> LV
<input type="checkbox"/>	<b>Status Rpt</b>		<b>Reviewed on:</b> 03/18/2014
<input type="checkbox"/>	<b>UCCJEA</b>		<b>Updates:</b>
<input type="checkbox"/>	<b>Citation</b>		<b>Recommendation:</b>
<input type="checkbox"/>	<b>FTB Notice</b>		<b>File 14 – Gillespie</b>

**Status Hearing Re: Filing of the Inventory and Appraisal**

<b>DOD: 07/18/2010</b>		<b>SHAWN H. SMITH</b> , nephew, was appointed Administrator with Full IAEA authority with bond set at \$60,000.00.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Letters issued 01/10/2014	1. Need Final Inventory and Appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
<b>Cont. from</b>		Minute Order of 10/21/2013 set this status hearing.	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b>		
<input type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>	<b>Reviewed on:</b> 03/18/2014	
<input type="checkbox"/>	<b>Citation</b>	<b>Updates:</b>	
<input type="checkbox"/>	<b>FTB Notice</b>	<b>Recommendation:</b>	
		<b>File 15 – Wardlaw</b>	

**Status Hearing Re: Filing of the Inventory and Appraisal**

<b>DOD: 07/13/13</b>		<p><b>PAMELA J. STRONG</b>, spouse, was appointed as Executor with limited IAEA authority and without bond on 09/16/13. Letters Testamentary were issued on 09/17/13.</p> <p><b>Minute order</b> from 09/16/13 hearing set this matter for status regarding filing of the Inventory &amp; Appraisal.</p> <p><b>Inventory &amp; Appraisal, partial no. 1</b> filed 03/14/14 - \$40,000.00</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need Final Inventory &amp; Appraisal.</li> <li>2. The Inventory &amp; Appraisal, partial no. 1 is missing attachment 1. (No property is listed).</li> </ol>
<b>Cont. from 021414</b>			
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>	x		
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
		<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 03/19/14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 16 – Strong</b></p>	



**Status Hearing Re: Filing of the Inventory and Appraisal**

<b>DOD: 08/19/2013</b>		<p><b>PUBLIC GUARDIAN</b>, appointed Administrator with full IAEA authority without bond.</p> <p>Letters issued on 10/21/2013.</p> <p>Inventory and Appraisal partial No. 1 filed 10/30/2013 - <b>\$450,000.00</b></p> <p>Inventory and Appraisal partial No. 2 filed 01/02/2014 - <b>\$376,050.27</b></p> <p>Minute Order of 10/17/2013 set this matter for hearing.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need <b>Final</b> Inventory and Appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
<b>Cont. from</b>			
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
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<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
		<p><b>Reviewed by:</b> LV</p> <p><b>Reviewed on:</b> 03/18/2014</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 17 – McPike</b></p>	

Atty Alabart, Javier A. (for Petitioner Alfredo Banda Arriaga, father)  
 Atty Fanucchi, Edward L. (for Respondent Maria Luisa Sanchez, purported spouse)  
 Atty Kruthers, Heather H. (for Public Administrator, Administrator of the Estate)

## Settlement Conference

<b>DOD: 5/14/2004</b>	<b>ALFREDO BANDA ARRIAGA</b> , father, filed a <i>Petition for Preliminary Distribution of Decedent Estate Assets</i> on 10/2/2013, requesting an order for a preliminary distribution of the estate assets, representing that the Petitioner is the sole-surviving parent of the Decedent, and the sole-surviving devisee of the Will signed by the Decedent on 10/16/1997.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <p style="text-align: center;"><b>This matter will be heard at 10:30 a.m.</b></p> <p><b>Notes for Background:</b></p> <ul style="list-style-type: none"> <li><b>PUBLIC ADMINISTRATOR</b> was appointed as Special Administrator of the Decedent's estate on 8/30/2005; <i>Letters of Special Administration</i> with Will Annexed were issued to the Public Administrator on 9/27/2005. <b><i>Inventory and Appraisal was filed on 9/15/2005</i></b> showing assets of the estate at that time were valued at <b>\$203,823.43</b>.</li> <li><b>PUBLIC ADMINISTRATOR</b> was subsequently appointed Administrator of the Estate on 3/28/2006; <i>Letters of Administration</i> with Will Annexed were issued to the Public Administrator on 3/29/2006.</li> <li><b>Amended First and Final Account of the Public Administrator was approved on 6/25/2012</b> via <i>Order After Hearing Settling Amended First and Final Account, etc.</i>, finding that after payment of commissions, fees and costs in the amount of <b>\$19,643.43</b>, there will be <b>\$89,703.10</b> to distribute upon further Court order regarding entitlement to final distribution.</li> </ul>																																			
<b>Conf. from</b> <table border="1"> <tr><td><b>Aff.Sub.W</b></td><td></td></tr> <tr><td><b>Verified</b></td><td></td></tr> <tr><td><b>Inventory</b></td><td></td></tr> <tr><td><b>PTC</b></td><td></td></tr> <tr><td><b>Not.Cred.</b></td><td></td></tr> <tr><td><b>Notice of Hrg</b></td><td></td></tr> <tr><td><b>Aff.Mail</b></td><td></td></tr> <tr><td><b>Aff.Pub.</b></td><td></td></tr> <tr><td><b>Sp.Ntc.</b></td><td></td></tr> <tr><td><b>Pers.Serv.</b></td><td></td></tr> <tr><td><b>Conf. Screen</b></td><td></td></tr> <tr><td><b>Letters</b></td><td></td></tr> <tr><td><b>Duties/S</b></td><td></td></tr> <tr><td><b>Objection</b></td><td></td></tr> <tr><td><b>Video Rct</b></td><td></td></tr> <tr><td><b>CI Report</b></td><td></td></tr> <tr><td><b>9202</b></td><td></td></tr> <tr><td><b>Order</b></td><td></td></tr> </table>	<b>Aff.Sub.W</b>			<b>Verified</b>		<b>Inventory</b>		<b>PTC</b>		<b>Not.Cred.</b>		<b>Notice of Hrg</b>		<b>Aff.Mail</b>		<b>Aff.Pub.</b>		<b>Sp.Ntc.</b>		<b>Pers.Serv.</b>		<b>Conf. Screen</b>		<b>Letters</b>		<b>Duties/S</b>		<b>Objection</b>		<b>Video Rct</b>		<b>CI Report</b>		<b>9202</b>		<b>Order</b>	
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